THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.24499 of 2005

Date: 17.11.2005

Between:

P.Ashok Kumar Reddy.

.. PETITIONER

AND

Government of Andhra Pradesh, R&B Department.

.. RESPONDENT

ORDER:

The petitioner is a registered Civil Contractor. He was issued a letter, dated 09.10.2005, by the Executive Engineer, Roads and Buildings Department, Madanapalle, Chittoor District, respondent herein, stating that he did not turn up for execution of the agreement for the work on the road in the Bakarapet Section, Madanapalle, even after he emerged as the lowest tenderer. Apart from forfeiting the Earnest Money Deposit, the respondent debarred the petitioner from tendering, for a period of two years.

The petitioner contends that he did not submit the tender at all and having stolen the tender schedule purchased by him, somebody has mischievously filed it by quoting 50% less than the estimated value. He contends that on coming to know the same, he submitted a complaint to the local police as well as the respondent, and despite the same, the impugned order is passed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings.

The petitioner flatly disowns the very submission of the tender in question. The fact that he is not making any claim in relation to the Earnest Money Deposit adds strength to his version. The petitioner further claims that he made a complaint about the mischief played by some third parties in submitting the tender for such a low amount in his name.

No exception can be taken to the cancellation of the tender, and forfeiture of Earnest Money Deposit or other amounts related to the same. However, the debarring of the petitioner from tendering, for a period of two years, cannot be sustained in law. The petitioner ought to have been issued a notice and his version ought to have been ascertained, before such drastic step is taken.

For the foregoing reasons, the letter, dated 09.10.2005, issued by the respondent, insofar as it relates to the debarring of the petitioner from tendering for a period of two years, is set aside, and in all other respects, it shall hold good.

The Writ Petition is accordingly partly allowed. There shall be no order as to costs.

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17.11.2005

Jsu